

1 A bill to be entitled
2 An act relating to athletics; creating s. 760.12,
3 F.S.; requiring specified organizations using
4 specified facilities to comply with policies regarding
5 bullying and harassment promulgated by the local
6 school board; amending s. 943.0438, F.S.; requiring a
7 sanctioning authority for athletic coaches to require
8 athletes to sign a pledge against bullying; amending
9 s. 1006.20, F.S.; requiring the Florida High School
10 Athletic Association to adopt specified guidelines
11 regarding the promotion of respectful conduct in
12 interscholastic athletics; requiring that participants
13 in interscholastic athletics sign a pledge; requiring
14 that interscholastic athletics coaching staff be
15 trained in policies promoting mutual respect in
16 athletics; requiring sanctions for bullying and
17 harassment that occurs in games or competitions;
18 creating s. 1006.74, F.S.; prohibiting bullying and
19 harassment in intercollegiate athletics; requiring
20 specified public and nonpublic postsecondary
21 educational institutions to adopt written policies
22 regarding the promotion of respectful conduct in
23 intercollegiate athletics; providing requirements for
24 such policy; requiring that participants in
25 intercollegiate athletics sign a pledge against
26 prohibited conduct; requiring that coaching staff

27 involved in intercollegiate athletics be trained on
 28 the prevention of prohibited conduct; providing that
 29 there is no private right of action; providing for the
 30 referring of incidents to proper authorities; creating
 31 s. 760.101, F.S.; providing that it is an unlawful
 32 employment practice for a professional sports
 33 franchise to fail to take reasonable measures to
 34 prevent abusive conduct; providing that there is no
 35 private right of action; providing for enforcement by
 36 the Attorney General in a civil action; providing an
 37 affirmative defense to a civil action; providing that
 38 the act may not be construed or implemented to
 39 infringe upon the right of free speech; providing an
 40 effective date.

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42 Be It Enacted by the Legislature of the State of Florida:

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44 Section 1. Section 760.12, Florida Statutes, is created to
 45 read:

46 760.12 Promotion of respectful conduct in athletics using
 47 public accommodations.-

48 (1) An organization permitted to use a state, county,
 49 municipal or public school playing field, athletic facility, or
 50 other public accommodation for the purpose of sponsored
 51 noninterscholastic athletic competition by persons younger than
 52 18 years of age shall, as a condition of such use, agree to

53 substantially comply with the policies regarding bullying and
 54 harassment developed by the school board for the county in which
 55 the playing field, athletic facility, or other public
 56 accommodations is located.

57 (2) As used in this section, the term:

58 (a) "Public accommodations" has the same meaning as
 59 provided in s. 760.02.

60 (b) "Sponsored noninterscholastic athletic competition"
 61 means an athletic competition organized and supervised by a
 62 group, league, or similar organization other than a public or
 63 private school.

64 Section 2. Subsection (2) of section 943.0438, Florida
 65 Statutes, is amended, and subsection (5) is added to that
 66 section, to read:

67 943.0438 Athletic coaches for independent sanctioning
 68 authorities.—

69 (2) An independent sanctioning authority shall:

70 (a)1. Conduct a background screening of each current and
 71 prospective athletic coach. No person shall be authorized by the
 72 independent sanctioning authority to act as an athletic coach
 73 unless a background screening has been conducted and did not
 74 result in disqualification under paragraph (b). Background
 75 screenings shall be conducted annually for each athletic coach.
 76 For purposes of this section, a background screening shall be
 77 conducted with a search of the athletic coach's name or other
 78 identifying information against state and federal registries of

79 sexual predators and sexual offenders, which are available to
 80 the public on Internet sites provided by:

- 81 a. The Department of Law Enforcement under s. 943.043; and
- 82 b. The Attorney General of the United States under 42
 83 U.S.C. s. 16920.

84 2. For purposes of this section, a background screening
 85 conducted by a commercial consumer reporting agency in
 86 compliance with the federal Fair Credit Reporting Act using the
 87 identifying information referenced in subparagraph 1. and that
 88 includes searching that information against the sexual predator
 89 and sexual offender Internet sites listed in sub-subparagraphs
 90 1.a. and b. shall be deemed in compliance with the requirements
 91 of this section.

92 (b) Disqualify any person from acting as an athletic coach
 93 if he or she is identified on a registry described in paragraph
 94 (a).

95 (c) Provide, within 7 business days after ~~following~~ the
 96 background screening under paragraph (a), written notice to a
 97 person disqualified under this section advising the person of
 98 the results and of his or her disqualification.

99 (d) Maintain documentation of:

- 100 1. The results for each person screened under paragraph
 101 (a); and
- 102 2. The written notice of disqualification provided to each
 103 person under paragraph (c).

104 (5) An independent sanctioning authority shall adopt:

105 (a) ~~(e)~~ Adopt Guidelines to educate athletic coaches,
106 officials, administrators, and youth athletes and their parents
107 or guardians of the nature and risk of concussion and head
108 injury.

109 (b) ~~(f)~~ Adopt Bylaws or policies that require the parent or
110 guardian of a youth who is participating in athletic competition
111 or who is a candidate for an athletic team to sign and return an
112 informed consent that explains the nature and risk of concussion
113 and head injury, including the risk of continuing to play after
114 concussion or head injury, each year before participating in
115 athletic competition or engaging in any practice, tryout,
116 workout, or other physical activity associated with the youth's
117 candidacy for an athletic team.

118 (c) ~~(g)~~ Adopt Bylaws or policies that require each youth
119 athlete who is suspected of sustaining a concussion or head
120 injury in a practice or competition to be immediately removed
121 from the activity. A youth athlete who has been removed from an
122 activity may not return to practice or competition until the
123 youth submits to the athletic coach a written medical clearance
124 to return stating that the youth athlete no longer exhibits
125 signs, symptoms, or behaviors consistent with a concussion or
126 other head injury. Medical clearance must be authorized by the
127 appropriate health care practitioner trained in the diagnosis,
128 evaluation, and management of concussions as defined by the
129 Sports Medicine Advisory Committee of the Florida High School
130 Athletic Association.

131 (d) Bylaws or policies that require a youth who is
 132 participating in athletic competition or who is a candidate for
 133 an athletic team to sign and return a pledge to not participate
 134 in bullying or harassment.

135 Section 3. Paragraph (n) is added to subsection (2) of
 136 section 1006.20, Florida Statutes, to read:

137 1006.20 Athletics in public K-12 schools.—

138 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

139 (n) The FHSAA shall adopt guidelines for the prevention of
 140 bullying and harassment in athletics. The guidelines must
 141 include:

142 1. A requirement that every student athlete who seeks to
 143 participate in a sport shall sign a pledge that he or she will
 144 not engage in bullying or harassment while participating in
 145 interscholastic athletics. A student athlete may not participate
 146 in a tryout, practice, or competition until such pledge is
 147 signed. There shall be no sanction against an athlete or school
 148 for failure to obtain a signed form unless the failure was
 149 intentional and willful.

150 2. Training of all coaches involved in interscholastic
 151 athletics. The training must include instruction on the
 152 prevention of bullying and harassment in athletics and
 153 instruction on identifying and responding to bullying and
 154 harassment in athletics, including instruction on recognizing
 155 behaviors that lead to bullying and harassment in athletics and
 156 taking appropriate preventive action based on those

157 observations. Training shall be required on a schedule created
158 by the FHSAA. There shall be no sanction against a coach or
159 school for failure to complete the required training unless the
160 failure was intentional and willful.

161 3. Training of game officials in the prevention of
162 bullying and harassment occurring during games or competitions
163 sanctioned by the FHSAA.

164 4. Implementation of appropriate sanctions for
165 unsportsmanlike conduct related to bullying and harassment that
166 occurs in the presence of sports officials during games or
167 competitions. Sanctions shall provide for a warning to a person
168 before his or her ejection, and the maximum punishment may not
169 exceed ejection from the game or competition. An ejection shall
170 be reported to the principal of the athlete's school.

171 Section 4. Section 1006.74, Florida Statutes, is created
172 to read:

173 1006.74 Bullying and harassment in intercollegiate
174 athletics prohibited.-

175 (1) Bullying or harassment of any student participating in
176 intercollegiate athletics is prohibited. As used in this
177 section, the terms "bullying" and "harassment" have the same
178 meanings as provided in s. 1006.147.

179 (2) Public and nonpublic postsecondary educational
180 institutions whose students receive state student financial
181 assistance shall, if those students participate in
182 intercollegiate athletics, adopt a written policy on the subject

183 of bullying and harassment in intercollegiate athletics. Such
184 policy must:

185 (a) Include rules prohibiting students from engaging in
186 bullying or harassment in intercollegiate athletics.

187 (b) Require, as a condition of participation in
188 intercollegiate athletics, that each student athlete sign a
189 pledge to not engage in bullying or harassment in the course of
190 intercollegiate athletics. An athlete may not participate in a
191 tryout, practice, or competition until such pledge is signed.

192 (c) Require the training of coaching staff involved in
193 intercollegiate athletics on the prevention of bullying and
194 harassment in athletics. Such training must include instruction
195 on identifying, preventing, and responding to bullying and
196 harassment in athletics, including instruction on recognizing
197 behaviors that lead to bullying and harassment in athletics and
198 taking appropriate preventive action based on those
199 observations.

200 (3) This section does not create a private right of
201 action. A student athlete who violates a policy against bullying
202 or harassment shall be referred to the disciplinary authority of
203 the college or university pursuant to s. 1006.62. If
204 appropriate, an athlete shall be referred to law enforcement
205 authorities where conduct appears to be a violation of s.
206 1006.63.

207 Section 5. Section 760.101, Florida Statutes, is created
208 to read:

209 760.101 Unlawful employment practices in professional
 210 athletics.-

211 (1) It is an unlawful employment practice for a
 212 professional sports franchise based in this state to fail to
 213 take reasonable measures to prevent abusive conduct targeted at
 214 a player, including abusive conduct inflicted by another player.

215 (2) This section does not create a private right of
 216 action. The Attorney General may bring a civil action seeking
 217 injunctive relief to enforce this section. In addition to
 218 injunctive relief, or in lieu thereof, for an employer or other
 219 person found to have willfully violated this section, the
 220 Attorney General may seek to impose a fine of \$10,000 per
 221 violation, payable to the state. In a civil action brought by
 222 the Attorney General under this subsection, a professional
 223 sports franchise shall have an affirmative defense that it took
 224 reasonable measures to prevent a violation of this section if
 225 the professional sports franchise:

226 (a) Adopted and enforced a written policy prohibiting
 227 abusive conduct.

228 (b) Required players to receive the policy and to pledge
 229 not to engage in abusive conduct toward other players.

230 (c) Required coaching staff to be trained in the
 231 prevention of abusive conduct. Such training must include
 232 instruction on identifying, preventing, and responding to
 233 abusive conduct in athletics, including instruction on
 234 recognizing behaviors that lead to abusive conduct in athletics

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235 and taking appropriate preventive action based on those
236 observations.

237 Section 6. Nothing in this act shall be construed or
238 implemented to infringe upon the right of free speech under the
239 First Amendment to the United States Constitution, as
240 incorporated by the Fourteenth Amendment to the United States
241 Constitution, or under Article I, Section 4 of the State
242 Constitution.

243 Section 7. This act shall take effect July 1, 2014.